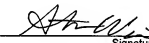


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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) NVDAP/000862	
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		First Named Inventor Ashutosh K. Jha	
		Art Unit 2145	Examiner Lin Liu
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number 52,371 _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number _____		 _____ Stephanie Winner Typed or printed name 713-623-4844 Telephone number April 17, 2008 Date	
<input checked="" type="checkbox"/> *Total of 1 forms are submitted.			

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	§
JHA, et al.	§ Confirmation No.: 4536
Serial No.: 10/731,383	§ Group Art Unit: 2145
	§
Filed: December 9, 2003	§ Examiner: Lin Liu
For: TRANSMITTING COMMANDS AND	§
INFORMATION BETWEEN TCP/IP	§
STACK AND AN OFFLOAD UNIT	

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**PRE-APPEAL CONFERENCE BRIEF**

In conjunction with the Pre-Appeal Brief Request for Review filed herewith, Applicant requests a Panel review of the Final Rejection in this matter (see the Final Office Action dated January 18, 2008). Although the remarks herein are focused on a specific factual issue raised by the rejection, nothing in this paper is meant to limit the scope of any arguments, either factual or legal, that Applicant may later present in a full appeal brief.

**QUESTIONS FOR REVIEW**

The Examiner has rejected pending claims 1-3, 5-10, 13-25, 27, 32-38, and 40 under 35 USC §103(a) as unpatentable over Pinkerton (US Pub. No.: 2006/0069792) in view of Boyd (US Pub. No.: 2004/0049601) and Lanteigne (US Patent No.: 6,757,756). Claims 4, 39, and 41 are rejected under 35 USC §103(a) as unpatentable over Pinkerton in view of Boyd and Lanteigne and further in view of Boucher (US 6,436,620). Claims 11, 12 and 26 stand rejected under 35 USC §103(a) as unpatentable over Pinkerton in view of Boyd and Lanteigne and further in view of Meyer (US Pub. No.: 2002/0145976). The Examiner's rejections are respectfully traversed. Specifically, Applicants disagree with the Examiner's position that the combination of Pinkerton, Boyd, and Lanteigne teach or suggest the limitations of a bit that is stored in an entry of a ring to indicate ownership of the entry.

## ARGUMENTS SUBMITTED

Claims 1, 7, 16, and 22 each recite the limitation of a bit in every entry of the (command or notification) ring that indicates an owner of each one of the entries. Claim 1 also recites the limitation of setting the bit in the entry by the offload unit to indicate the owner of entry is the TCP stack. Additionally, claim 7 recites the limitation of the offload unit writing to the notification ring and indicating that the TCP stack is the owner of the entry that is written. Similarly, claim 16 recites the limitation the offload unit setting the bit indicating the TCP stack is the owner in any entries that are read by the offload unit. Finally, claim 22 recites the limitations of an offload unit that indicates by a bit an owner of each entry written by the notification unit as the TCP stack, the TCP setting the bit indicating that the offload unit is the owner in any entries in the notification ring that are read by the TCP stack, and the TCP stack indicating by a bit an owner of each entry of a command ring that is written by the TCP stack as the offload unit.

The Pinkerton reference does not teach storing a bit in each entry of a command ring, which is a primary feature recited in claims 1, 7, 16, and 22, for passing commands and notification descriptors between the TCP stack and the offload unit. Pinkerton teaches that the offload unit produces a linked list of parameters and dispatch tables (see paragraph [0052]) that is inserted in a completion message. The parameters may be used to provide communication channels with the offload unit. However, there is no ownership associated with the parameters, dispatch tables, or communication channels. Nowhere does Pinkerton teach or suggest indicating ownership of any of the entries in the linked list. In particular, Pinkerton fails to teach or suggest that a bit in an entry in a command or notification ring is set to indicate the owner of the entry is the TCP stack, as recited in claims 1, 7, 16, and 22.

To provide a teaching of the command ring, the Examiner cites Boyd at page 9, paragraph [0118]. However, this section, and the rest of the reference in its entirety, only teaches the existence of a circular linked list that stores pointers. A ULP monitors the entries in the linked list and uses a credit-based mechanism to control reading from and writing to the linked list. Nowhere does Boyd teach or suggest indicating ownership within each entry of the circular linked list. Like Pinkerton, Boyd also fails to teach or

suggest that a bit in an entry in a command or notification ring is set to indicate the owner of the entry is the TCP stack, as recited in claims 1, 7, 16, and 22.

To provide a teaching of the bit in each entry that indicates an owner of each entry, the Examiner cites Lanteigne, relying on the teaching of read and write pointers of a control ring buffer that are owned by processes. The Examiner concludes that it would have been obvious to indicate ownership of each entry using the write and read pointers. A review of the Lanteigne reference, specifically column 9, lines 30-36, show that the read pointer and the write pointer are stored in Master Control Block 706 (see Figure 7). The control ring entries are stored in Control Ring 708. Therefore, neither the read pointer nor the write pointer qualifies as a bit in an entry of the command or notification ring that indicates ownership of the entry, as recited in claims 1, 7, 16, and 22. Furthermore, Lanteigne teaches that a process must “gain ownership” of the read or write pointer in order to access an entry (see column 13, lines 47-59). After accessing the entry, the process “gives up ownership” to permit another process to access an entry of the control ring buffer. Importantly, the processes do not set a bit in an entry indicating that another process has ownership of an entry.

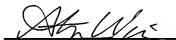
Other references cited by the Examiner include Boucher and Meyer. These other references fail to cure the deficiencies of Pinkerton, Boyd, and Lanteigne relative to claims 1, 7, 16, and 22. Meyer is relied on for teaching a flag that indicates an acknowledgement threshold is reached. Meyer teaches a method of triggering retransmission of data segments when duplicate acknowledgements are received. Boucher is relied on for teaching a value representing a number of buffers that are accepted by the offload unit, a synchronization pointer, and flushing unused buffer descriptors. Boucher teaches synchronization of data passed across a clock boundary. Boucher does not teach a synchronization bit that is used to enable the offload unit to accept user buffer descriptors, as recited in claims 39 and 41 of the present application. Neither Boucher nor Meyer teach or suggest the limitation of a bit in an entry in a command or notification ring is set to indicate the owner of the entry is the TCP stack, as recited in claims 1, 7, 16, and 22.

As the foregoing illustrates, no combination of the references cited by the Examiner can render independent claims 1, 7, 16, and 22 obvious. Further, since

claims 2-6 and 32-35, 36-37, 39-41 depend from allowable claim 1, these claims are also patentable over any combination of the references cited by the Examiner. Claims 8-15, 17-21, and 23-27 and 38 depend from allowable claims 7, 16, and 22, respectively, and are therefore also patentable over any combination of the references cited by the Examiner.

All of the claims currently pending in the application are therefore patentable over Hayes. In view of these clear distinctions, reconsideration and allowance of all the claims is respectfully requested.

Respectfully submitted,



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